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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

KALMAN ISAACS, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

ELON MUSK and TESLA, INC.,

Defendants.

Case No. 3:18-cv-04865-EMC

**ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES  
SHOULD BE RELATED**

(Civil L.R. 3-12(b) and 7-11)

Judge: Hon. Edward M. Chen

Date Action Filed: August 10, 2018

Pursuant to Civil Local Rules 3-12(b) and 7-11 of the United States District Court for the Northern District of California, defendants Elon Musk and Tesla, Inc. hereby move the Court to consider whether this matter and *Sodeifi v. Tesla, Inc. et al.*, Case No. 18-cv-05899-RS, which has just been transferred by agreement of the parties from the Central District of California to the Northern District of California are related actions. In order of filing date, the matters submitted for determination under Civil Local Rule 3-12(b) are as follows:

<u>Case Name</u>	<u>Case Number</u>	<u>Filing Date</u>
<i>Isaacs v. Tesla, Inc. et al.</i>	CV-04865-EMC	8/10/18
<i>Sodeifi v. Tesla, Inc. et al.</i>	CV-05899-RS	8/30/18

Civil Local Rule 3-12(a) provides that an action is related to another when: “(1) [t]he actions concern substantially the same parties, property, transaction or event; and (2) [i]t appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” These criteria are met here. The plaintiff in each of the above Securities Actions is a purported shareholder of Tesla, Inc. (“Tesla” or the “Company”) who brings suit under §§10(b) and 20(a) of the Securities Exchange Act of 1934 (“Exchange Act”) (15 U.S.C. §§78j(b) and 78t(a)) and Securities and Exchange Commission (“SEC”) Rule 10b-5 (17 C.F.R. §240.10b-5) promulgated thereunder, on behalf of a proposed class, against the Company and Elon Musk.

Each complaint focuses on the same transactions and events and contains substantially similar allegations. Given that substantially similar parties, transactions and events are involved in each of the Securities Actions, there will be an unduly burdensome duplication of labor and expense, and potentially inconsistent results, if the cases were to be conducted before different Judges. Accordingly, relating these actions will serve the interests of judicial economy and avoid the potential for conflicting results, consistent with Civil Local Rule 3-12 (a).

In furtherance of this motion, and in compliance with Civil Local Rule 7-11, defendants obtained a stipulation from counsel in the *Sodeifi* action agreeing that that action should be deemed related to this matter, the first filed action. *See* Stipulation and [Proposed] Order Relating

1 Cases, filed herewith. For all the foregoing reasons, defendants respectfully request that this  
2 Court enter an order relating the actions.

3 Dated: September 28, 2018

Respectfully submitted,

4 FENWICK & WEST LLP

5 By: /s/ Jennifer C. Bretan

6 Jennifer C. Bretan

7 Attorneys for Defendants Tesla, Inc. and Elon Musk  
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